

The Tweet Heard Round The World

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From the “I can’t say I blame him” or “I can’t take it anymore” column comes small business owner Robert Waple of Jet’s Pizza in Mansfield, Texas. He hired a teenager named “Cella” to work in his restaurant. Sadly, while the moon might hit your eye like a big pizza pie, she wasn’t in love with the job. The day before she was set to start, she tweeted her friends: “Ew I start this f*** a** job tomorrow.” Unlucky for her, one of Waple’s employees (and presumably a [soon to be former] friend of hers) alerted the boss to her untimely broadcast. Waple then fired back a blunt reply: “And . . . no you don’t start that FA job today! I just fired you! Good luck with your no money, no job life!” And thus ends the all-too-brief story of Cella’s job at Jet’s Pizza. As has become commonplace these days, their tweet exchange was retweeted numerous times. So often in fact that I found out about this story from a news-site in Europe. During these retweets, some of Cella’s friends and her would-have-been co-workers got into the act. One employee wrote Waple: “Just though you should know I was stoned out of my mind every time I went to work, and your pizza sucks.” To this Waple retorted: “Being high would only partly explain how you could deliver a pizza to the wrong house . . . multiple times. You have no hockey skills.” Of course, all of this has made Waple into a bit of an employer-folk hero. I’m sure many employers have thought of doing something similar in the past. But before you hop on twitter and start firing off your own salvos against current or former employees, you may want to keep a few things in mind:

1. Don’t make false representations about the employee. Defamation is a real, viable cause of action and you can be sued for making false statements that harm others. If the statement is severe/offensive enough, it also could form the basis of an intentional infliction of emotional distress claim.
2. While exchanges like this one can be fun, it also can open the door to things you don’t want to be made public. Case in point - the “stoner” employee just tossed out two reasons to get himself fired: (1) being under the influence of drugs at work and (2) disparaging the company. On the flipside, I’m not sure the owner did himself any favors by revealing that he keeps around an employee who is high and repeatedly delivers pizzas to the wrong addresses.
3. Exchanges can get out of hand quickly. Think of an argument which begins relatively calmly, then both parties get more heated and end up shouting incoherently at each other. You can see this with tweets were one nasty message necessitates the other party firing off their own, which then begets another nasty response and invites a similar reply.

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4. Twitter / the internet = forever. Like shouting from the roof of a building in a crowded city, anything you say will be out in the public domain, for all to hear and see. Worse, everything you say automatically is in written form and can be called up as fast as the time it takes for Google or Bing (or whatever search engine you prefer) to find it. If you say anything out of the ordinary, that is remotely offensive, etc. someone, somewhere will use it against you.

The moral of the story is that you should think twice before firing off a witty retort to a current or former employee. There may be occasions – like this one – where the employee appears to have deserved the response she got. But be warned: this also is how lawsuits get started. In short, tweet carefully.